

Consideration of implementation of Designated Public Places Order for Ringwood Town

Designated public places orders (DPPOs) are a tool that can be used by local authorities to deal with the problems of anti-social alcohol drinking in public places.

Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse is.

A summary of alcohol related incidents between September 2006 and September 2007 in and around the town centre has been produced by the Crime Reduction Partnership analyst and is attached. The second report relates to incidents across the New Forest as a whole. (These documents are in separate PDF files)

Current Legislation

Current legislation provides the police and PCSO's with limited powers to deal with overage drinking in public places. There are no existing powers to confiscate alcohol from overage drinkers. Unless the consumption of alcohol results in drunkenness to the point of incapacity or disorderly conduct, then the police are unable to deal effectively with the 'street drinkers' that are evident within the town centre and recreation grounds. As the analytical evidence suggests that 18% of rowdy and inconsiderate calls, 47% of public order offences and 27% of assaults **in our area** are alcohol related, it would be advantageous to intervene at early stage to prevent drunkenness in public. These figures are likely to be a gross underestimation of the current problem due to the method in which relationship between alcohol and the incident are recorded on police systems.

A summary of relevant current legislation is produced below.

Section 5 Public Order Act 1986

A person is guilty of an offence if he uses threatening, abusive or insulting words or behaviour, or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.

There is a power of arrest for this offence and it can be disposed of by way of fixed penalty notice on the street by police or PCSO.

Section 91(1) of the Criminal Justice Act 1967

A person is guilty of an offence if they behave in a disorderly manner in a public place whilst being drunk.

Drunk is defined as;

intoxicated with alcohol to the extent of losing control over normal physical and mental functions (*Collins*);

having drunk intoxicating liquor to an extent which affects steady self control (*Oxford*).

This offence carries a power of arrest and can be disposed of by fixed penalty, which cannot be issued on the street.

S12 Licensing Act 1872

If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be dealt with according to law.

This offence carries a power of arrest and can be disposed of by fixed penalty, which cannot be issued on the street.

There are other enforcement powers including the power to confiscate alcohol from under 18s and those supplying under 18s in public places and dispersal orders which prevent the gathering of groups of people at specified anti social behaviour 'hot spots'. Neither of these are particularly relevant to problem of over aged drinking in public.

Legislation relevant to DPPO

Section 13 of the Criminal Justice and Police Act 2001

introduced designated public place orders which replaced drinking byelaws in September 2001.

The Licensing Act 2003

brought the licensing arrangements for a range of activities under the same licensing regime and pubs and clubs that have premises licensed under the Act to sell and supply alcohol could not be designated by a DPPO. The Act also encourages local authorities to seek premises licences for public spaces, in order to allow local community events such as farmers markets, open-air festivals, concerts and carnivals to take place without the need for each individual event organiser having to apply for a separate licence. In these cases it is the local authority that holds the premises licence and allows the various events to operate within its terms.

The Violent Crime Reduction Act 2006 (Section 26)

corrected an unintended problem associated with the licensing of public spaces under the Licensing Act 2003, and the use of DPPOs. It clarified that certain premises covered by a premises licence authorising the supply of alcohol will only be prevented from falling within a designated public place when alcohol is being sold or supplied and for 30 minutes thereafter. The premises in question are those for which a local authority holds a premises licence and those for which another person holds the premises licence but which are managed by or on behalf of such an authority. Other business premises within the public space that have licences to sell or supply alcohol will continue to be excluded from a designated public place. Home Office Circular 13/2007 provides further details on the changes.

Who can make a DPPO?

Designated public place orders are made by local authorities using powers under section 13 of The Criminal Justice and Police Act 2001 as amended by Section 26 of the Violent Crime Reduction Act 2006 and the “The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007”.

The powers make it easier for local authorities to designate places where restrictions on public drinking will apply. A local authority can make a DPPO in a public place where:

- nuisance or annoyance to members of the public or a section of the public
- disorder

has been associated with consuming alcohol in that place.

Designating an area

The procedure for introducing a DPPO are set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. These set out the consultation, publicity and signage requirements.

Enforcing a DPPO

Once a DPPO has been made police powers under S12 immediately become available. Any enforcement of this law is carried out entirely at the discretion of the police.

A DPPO may be enforced by:

- a police officer
- a police community support officer (PCSO)
- an accredited person (ACSO)

If an officer suspects that a person has recently drunk alcohol or intends to drink alcohol in a DPPO, in order to prevent public nuisance and disorder, police can require a person to:

- stop drinking alcohol (or anything believed to be alcohol)
- hand over the containers they are drinking from (sealed or unsealed)
- hand over any other containers believed to contain alcohol.

Offences relating to DPPO

It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse is. Penalties can include:

- a penalty notice for disorder of £50;

- arrest and prosecution for a level 2 fine (max £500);
- bail conditions can stop the individual from drinking in public.

Attached is an example of literature distributed by the Safer Portsmouth Partnership explaining the rationale behind the implementation of their DPPO and the summary of powers of enforcement. (This document is in separate PDF file)

Summary

The implementation of a DPPO would allow police officers, PCSO's and ACSO's to intervene at an early stage and confiscate alcohol from over 18s drinking in public, where the consumption of alcohol is likely to lead to public nuisance or disorder.

The exercise of this power is discretionary and does not apply during the permitted hours of a premises licence which has been issued in relation to public event within the DPPO area.

The new powers will enable police PCSO's and ACSO's to deal with the 'street drinkers' that habitually gather in places such as the Visitors Information Centre and Carvers Recreation Ground, before they reach the point of drunken or disorderly behaviour.

Enforcement of the DPPO will be carried out primarily by the Ringwood Safer Neighbourhood (Police/PCSO's) and the New Forest Targeted Patrol Teams.

Intervention can be carried out in relation to alcohol abuse by way of Crime and Disorder Reduction Partnership referrals or outreach work.